

May 1, 2002

MEMORANDUM TO: Larry Camper, Chief
Decommissioning Branch
Division of Waste Management
Office of Nuclear Materials
Safety and Safeguards

FROM: Norma García Santos, General Engineer
Decommissioning Branch
Division of Waste Management
Office of Nuclear Materials
Safety and Safeguards

SUBJECT: Meeting summary of the public meeting to discuss the Commission's
policy statement on the cleanup criteria of the West Valley site.

Enclosed is the meeting summary of the public meeting on the decommissioning criteria for the West Valley site held on April 17th from 7:00 p.m. through 10:00 p.m. The agenda, the presentations, the Federal Register Notice of the Final Policy Statement (67 FR 5003), and the Regulators Communication Plan are attached to the meeting summary.

If you have any questions don't hesitate to contact or email me at (301)-415-6262 or ngs@nrc.gov, respectively.

Attachments: West Valley Demonstration Project
(WVDP) Public Meeting Summary

West Valley Demonstration Project (WVDP) Public Meeting Summary
West Valley, New York
April 17, 2002
7:00 p.m. to 10:00 p.m.

On the evening of April 17, 2002, the U.S. Nuclear Regulatory Commission (NRC) staff met with the U.S. Environmental Protection Agency (EPA, Region II), the New York State Department of Health (NYSDOH), the New York State Department of Environmental Conservation (NYSDEC), the New York State Energy Research and Development Authority (NYSERDA), and the U.S. Department of Energy (DOE) in a public meeting to discuss the decommissioning criteria for the West Valley Demonstration Project (WVDP). The purpose of the meeting was to discuss: (1) the NRC's Final Policy Statement, (2) the Regulators Communication Plan, and (3) the roles and responsibilities of the Nuclear Regulatory Commission and the other federal and state agencies involved in the decommissioning of the West Valley Demonstration Project (WVDP). Approximately seventy stakeholders attended the meeting.

First, NYSERDA described the boundaries enclosing the DOE WVDP and NYSERDA owned property, the history of the site from 1962 through 1981, and their responsibilities on the site. NYSERDA discussed: (1) the WVDPA, (2) the cooperative agreement between NYSERDA and DOE, and (3) NYSERDA's responsibility for the State-Licensed Disposal Area (SDA). The SDA is inside the WVDP and is regulated by the New York State Department of Labor (NYSDOL) and New York State Department of Environmental Conservation (NYSDEC). NYSERDA explained that the SDA was covered by a cap to protect the disposal area from rain water.

Second, the DOE presented a summary of their roles and responsibilities on the WVDP. The DOE explained that their primary responsibilities under the WVDP Act (WVDPA) were: (1) the solidification of high level radioactive waste (HLW), (2) development of containers for the transportation and permanent disposal of solidify HLW in a Federal Repository, (3) the disposal of low level radioactive waste and transuranic waste produced by the solidification process, and (4) the decontamination and decommissioning of any material and hardware associated with the WVDP. Thereafter, DOE commented on the agreements between DOE and NYSERDA, the Memorandum of Understanding (MOU) between DOE and NRC, and the operational requirements of the project. The DOE also identified the federal and state agencies that regulate emissions to the air, water quality, and waste management. Finally, DOE emphasized the importance of the involvement of the public and the other agencies in the decommissioning process.

Third, NRC staff described their roles and responsibilities, the Regulators Communication Plan, and the Final Policy Statement. The staff discussed their responsibilities under the Atomic Energy Act (AEA), the WVDPA, the National Environmental Policy Act (NEPA), and their role in interfacing with stakeholders. The NRC stated that it will be a Cooperating Agency in the decommissioning EIS. The staff also discussed the Regulators Communication Plan. The Regulators Communication Plan was developed to identify each regulator's role and responsibility and expectations or requirements related to the cleanup of the West Valley site. The Final Policy Statement presentation included discussions on: (1) the License Termination Rule (LTR), (2) the application of the LTR to the WVDP, (3) the LTR as decommissioning criterion for the WVDP and the NRC-licensed site, (4) incidental waste criteria, (5) previous

authorized burials, (6) the decommissioning process for West Valley, and (7) the environmental analysis involved in the process. The staff emphasized the challenge involved in this decommissioning because of the characteristics and complexity of the site. The site will be decommissioned to the extent technically and economically feasible using NRC's standard criteria for license termination. The NRC staff explained that the EIS should consider: (1) the impacts of incidental waste, (2) the evaluation of impacts and costs for disposition of previous burials, and (3) analysis of impacts beyond 1,000 years. NRC staff expects to rely on a quality decommissioning EIS to determine whether or not the preferred alternative meets the NRC decommissioning criteria.

Fourth, the EPA discussion included: a chronology of EPA involvement at West Valley, and the agency's responsibilities and roles. EPA's involvement at the WVDP began with a letter to DOE on the development a supplemental EIS in May 1999 and continues through this public meeting on April 17, 2002. The EPA summarized their responsibilities under: (1) the AEA, (2) the Clean Air Act, (3) the NEPA, (4) the Comprehensive Environmental Response, Compensation and Liability Act, (5) the Resource Conservation and Recovery Act, and (5) the Safe Drinking Water Act. The EPA stated that it will be a Cooperating Agency in the decommissioning EIS and also will be providing input at West Valley to the stakeholders.

Fifth, the NYSDEC presented their roles and responsibilities in the WVDP. The NYSDEC and NYSDOL regulate the SDA. The NYSDEC will be involved in regulating the West Valley site during its decommissioning. The NYSDEC roles include: protecting the environment and public health, ensuring compliance, providing feedback to the public, and keeping the public involved in the process. This agency also has a range of responsibilities related to: (1) the Resource Conservation and Recovery Act (RCRA), (2) Radiological Protection, (3) Clean Water Act (CWA), (4) Clean Air Act (CAA), (5) storage tank closure requirements, (6) solid waste disposal requirements, and (7) the protection of endangered species, wetlands, and streams.

The last presentation was provided by NYSDOH. This agency stated that their main responsibilities were regulatory and advisory. The NYSDOH will participate with other regulatory agencies, but will mainly work through NYSDEC. In this agreement between these agencies, NYSDEC will lead the decommissioning project while NYSDOH's main role will be the protection of public health. The NYSDOH referred to their involvement in the development of the Regulators Communication Plan emphasizing key points of agreement listed in the plan.

Finally, an open discussion followed the formal presentations. The major public concerns included: (1) the flexibility of the NRC's Final Policy Statement and the possibility of exemptions, (2) the criteria to decommission the site, (3) the definition of technically and economically feasible, (4) the status and contents of the Environmental Impact Statement (EIS), (5) the classification of the waste incidental to reprocessing in the site, (6) waste transportation responsibilities, and (7) a need to be more responsive to public comments. A transcript of April 17th meeting will be available to the public on the NRC website.

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